

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 3, 2004**

DIVISION ONE

B163292      Andrea Marcus                      (Not for Publication)

v.

Louis De Witt et al.

The appeal is dismissed as premature. The parties are to bear their own costs.

Ortega, J.

We concur:    Spencer, P.J.  
                         Mallano, J.

DIVISION TWO

B165477      People                                      (Not for Publication)

v.

Patterson

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B169498      People                                      (Not for Publication)

v.

Richardson

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

March 3, 2004 (Continued)

## DIVISION TWO (Continued)

[illegible]

The superior court is ordered to amend the abstract of judgment to reflect that the three 1-year prior prison enhancements are stricken and to forward a corrected abstract of judgment to the Department of Corrections. Otherwise, the judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B169114      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Roslyn R. et al.

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

DIVISION FOUR

B165486 People (Not for Publication)  
v.  
Dominguez

The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to recite appellant's life sentence on count 3 is stayed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

March 3, 2004 (Continued)

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B164214      Citybank (South Dakota) N.A.      (Not for Publication)  
v.  
Busey

The judgment is affirmed. Citibank to recover its costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B169630      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Patricia H.

The order of the court is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FIVE

B162107      Ik Nam You, et al.                      (Not for Publication)  
                 v.  
                 Chong Yol Kim, et al.

The compensatory damage award of \$330,000 is reversed. The matter is remanded to the trial court for a new trial solely on compensatory damages. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Grignon, J.

We concur:   Turner, P.J.  
                 Mosk, J.

B165226      Alicia Zepeda                                      (Not for Publication)  
                 v.  
                 Liboria Camacho

The judgment is affirmed. Each party to bear their own costs.

Grignon, Acting P.J.

We concur:   Armstrong, J.  
                 Mosk, J.

B168017      People    (Not for Publication)  
                 v.  
                 Carter Charles Spikes

The judgment is affirmed.

Grignon, Acting P.J.

We concur:   Armstrong, J.  
                 Mosk, J.

DIVISION FIVE (Continued)

B169438      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Bettina B.J.

The orders are affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
Mosk, J.

B160875      Sergio Brizuela      (Certified for Publication)  
v.  
CalFarm Insurance Company

The judgment is affirmed. Each party to bear their own costs.

Mosk, J.

We concur:    Turner, P.J.  
Armstrong, J.

B163101      Shaina K.      (Not for Publication)  
v.  
Does 1 to 100

The judgment is reversed. Each party to bear their own costs.

Mosk, J.

We concur:    Turner, P.J.  
Grignon, J.

March 3, 2004 (Continued)

## DIVISION FIVE (Continued)

B165531      The People                                  (Not for Publication)  
v.  
Lexington National Insurance Company

The judgment is reversed. Each party to bear their own costs.

Armstrong, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

[illegible]

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

B170171      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Michelle E.,  
In re: Jonathan B.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Mosk, J.

DIVISION FIVE (Continued)

B169689      Los Angeles County, D.C.S.      (Not for Publication)

v.

Manuel G.

In re: Dominic M.

The order is affirmed.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                 Mosk, J.

DIVISION SIX

B168456      Stolkin      (Not for Publication)

v.

Stolkin

The award of spousal support is affirmed. Costs on appeal are awarded to wife.

Coffee, J.

We concur:   Yegan, Acting P.J.  
                 Perren, J.

B166136      People

v.

Karabajakyan

Filed order denying petition for rehearing.

B171830      Torres v. Littlejohn

B173553      Torres v. Armenta

Filed order bifurcating above captioned appeals. Santa Barbara Co. Superior Court No. 1120455 is assigned 2d Civil Case No. B171830, and Santa Barbara Co. Superior Court No. 1125976 is assigned 2d Civil Case No. B173553.

March 3, 2004 (Continued)

## DIVISION SEVEN

[illegible]

The judgment is reversed for retrial in accordance with this opinion.

Zelon, J.

We concur: Johnson, Acting P.J.  
Woods, J.

B161775      Pollitt      (Not for Publication)  
v.  
Pollitt

The judgment is affirmed. Appellant to bear his costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.  
Zelon, J.

## DIVISION EIGHT

B163162 People (Not for Publication)  
v.  
Rivera, et al.

As to Rivera, the judgment is modified to strike the personal use enhancements for counts one through eight and remanded for resentencing and an opportunity to request the additional presentence conduct credit; Rivera's judgment is otherwise affirmed. The judgment as to Figueroa is affirmed except insofar as he may seek the additional presentence conduct credits from the trial court.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.



DIVISION EIGHT (Continued)

B161845      McNeill      (Certified for Publication)

v.

State Farm Life Insurance Company, et al.

The judgment is reversed, with directions to grant leave to amend the first cause of action of the complaint. Plaintiff shall recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
                  Boland, J.

B159651      Patel,      (Not for Publication)

v.

Kaiser Permanente, et al.

The judgment (order of dismissal) is reversed, and the cause is remanded for proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
                  Boland, J.

B164724      Patel      (Not for Publication)

v.

Patel

The judgment is affirmed. Husband shall recover his costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.  
                  Flier, J.

March 3, 2004 (Continued)

DIVISION EIGHT (Continued)

B162895     People  
              v.  
              Porter Moore III

Filed order denying petition for rehearing.

B160741     Harris, et al.  
              v.  
              Steve Westly, as Controller, etc.

Filed order modifying opinion. (No change in the judgment)

B170629     Cecile Alch, et al. v. Time Warner Entertainment, et al.  
B165638     Cecile Alch et al. v. S.C.L.A. (Time Warner Entertainment et al., r.p.i.)

Filed order consolidating above captioned appeals.